

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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JAMES DANNY HOOKS

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Plaintiff,

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v.

\* CIVIL ACTION NO. 2:05-CV-79-T  
(WO)

ANTHONY CLARK, *et al.*,

\*

Defendants.

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**RECOMMENDATION OF THE MAGISTRATE JUDGE**

This 42 U.S.C. § 1983 action was filed by Plaintiff on January 28, 2005. On February 2, 2005 the court entered an order of procedure which instructed Plaintiff, among other things, to inform the court of any change in his address. (Doc. No. 4.)

On April 22, 2005 the envelope containing Plaintiff's copy of an order filed April 15, 2005 was returned to the court marked "moved, left no address," because Plaintiff was no longer at the address he had provided to the court. Consequently, an order was entered on April 25, 2005 directing Plaintiff to provide the court with his present address on or before May 5, 2005. (Doc. No. 17.) Plaintiff was cautioned that his failure to comply with the court's April 25 order would result in a recommendation that this case be dismissed. (*Id.*)

On May 2, 2005, the envelope containing Plaintiff's copy of the court's April 25 order was returned to the court marked as undeliverable. As it appears clear that Plaintiff is no longer

residing at the address he provided to the court when he filed the instant complaint and that he has not provided this court with a new address, the undersigned concludes that dismissal of the complaint at this juncture is appropriate.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for Plaintiff's failures to prosecute this action properly and to comply with the orders of this court.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before **May 17, 2005**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 5th day of May, 2005.

**/s/ Delores R. Boyd**

DELORES R. BOYD

UNITED STATES MAGISTRATE JUDGE